

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

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BILLY RAY HOUSER #252592,

Plaintiff,

Case No. 2:09-CV-136

v.

HON. GORDON J. QUIST

COUNTY OF MUSKEGON,

Defendant.

**ORDER AND JUDGMENT**

**APPROVING REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was mailed to Plaintiff on March 11, 2010. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed March 10, 2010, is approved and adopted as the Opinion of the Court. Plaintiff's claim under 42 U.S.C. § 1983 is dismissed for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2) and 1915A(b). This dismissal counts as a strike for purposes of 28 U.S.C. § 1915(g).

**IT IS FURTHER ORDERED** that there is no good-faith basis for appeal within the meaning of 28 U.S.C. § 1915(a)(3). *See McGore v. Wrigglesworth*, 144 F.3d 601, 611 (6th Cir. 1997).

This case is **concluded**.

Dated: May 5, 2010

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE